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Attorneys for Plaintiff
Zorro Productions, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZORRO PRODUCTIONS, INC., a
California corporation

Plaintiff,

v.

MARS, INC., a Delaware corporation,
BBDO WORLDWIDE, INC., a New York
corporation.

Defendants.

Case No. 3:10-CV-01179 SC

**STIPULATION, DECLARATION IN
SUPPORT OF CONTINUING INITIAL
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER
CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE AND
CASE SCHEDULE**

Complaint Filed: March 22, 2010
Initial CMC: June 25, 2010
Judge: Hon. Samuel Conti

(Local Rule 6-2)

Pursuant to Civil L.R. 6-2, Plaintiff ZORRO PRODUCTIONS, INC., ("ZPI") and
Defendants MARS, INC., and BBDO WORLDWIDE, INC., ("Defendants"), through their
respective counsel stipulate and agree to continue the date for initial case management conference
and dates for the case schedule as follows:

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1 8/13/10 Last Day to Meet and Confer re: Initial Disclosures (FRCivP 26(f));
2 8/27/10 Last Day To File Rule 26(f) Report, complete initial disclosures or
3 state objection in Rule 26(f) Report and file Case Management Statement per
4 Standing Order re: Contents of Joint Case Management Statement (FRCivP 26(a)(1),
5 Civil L.R. 16-10); and
6 9/3/10 Initial Case Management Conference (Civil L.R. 16-10).

7
8 DATED: May 17, 2010

LAW OFFICES OF ROSS L. LIBENSON

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10 By: 

Ross L. Libenson

11 Attorneys for Plaintiff ZORRO PRODUCTIONS, INC.

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14 DATED: May 17, 2010

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

15 By: _____/s/

16 Christopher T. Holland

17 Attorneys for Defendants MARS, INC., and BBDO WORLDWIDE,
18 INC.

19 *(This stipulation has been approved by Christopher T.
20 Holland)*

21 **DECLARATION OF ROSS L. LIBENSON IN SUPPORT OF CONTINUING INITIAL**
22 **CASE MANAGEMENT CONFERENCE AND CASE SCHEDULE PURSUANT TO CIVIL**
23 **L.R. 6-2**

I, Ross L. Libenson, declare as follows:

24 1. I am an attorney at law duly licensed to practice in the Northern District of California and
25 and the principal of the law firm Law Offices of Ross L. Libenson, attorneys of record for Plaintiff
26 ZORRO PRODUCTIONS, INC, ("ZPI").

1 2. I have personal knowledge of the facts stated herein, and if called and sworn as a witness,
2 I would and could testify competently under oath thereto. I submit this declaration in support of
3 continuing the initial case management conference and case schedule.

4 Reasons For the Requested Enlargement of Time Pursuant to Civil L.R. 6-2(a)(1).

5 3. This is a trademark infringement matter arising out of an advertising campaign including
6 a television commercial broadcasted in the United States of America on behalf of the Defendant
7 MARS, INC., and through its advertising agency Defendant BBDO WORLDWIDE, INC.

8 4. Subsequent to service of the summons, complaint and other initiating papers on
9 Defendants on or about March 25, 2010 (Docket Nos. 6 and 7), the respective counsel for the parties
10 have not only met and conferred regarding early settlement and ADR process selection, but also
11 have begun to engage in settlement negotiations, notwithstanding Defendants' denials of liability or
12 fault.

13 5. Contemporaneous with or in advance of the filing of this stipulation, the parties have
14 filed or are filing their respective (1) ADR Certification By Parties And Counsel, and (2) Notice Of
15 Need For ADR Phone Conference. The later is a result of the parties meet and confer regarding an
16 ADR Process and their joint request for an Early Settlement Conference with a Magistrate Judge in
17 this trademark dispute.

18 6. Additionally, as part of their settlement discussions in advance of their ADR phone
19 conference, the parties have executed a Confidentiality Agreement to facilitate the early exchange of
20 information regarding the claims, including but not limited to financial information regarding the
21 claimed infringement.

22 7. As part of the Confidentiality Agreement and settlement discussions, Defendants' lead
23 trial counsel has indicated that he will need additional time to involve in negotiations, among others,
24 the production company of the subject television commercial and its insurers.

25 8. As a result of positive momentum towards a negotiated resolution, the parties prefer to
26 continue the initial case management conference and associated disclosures and case management
27 statement to avoid incurrence of additional attorneys' fees and costs.

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Disclosure of All Prior Time Modifications In The Case Pursuant to Civil L.R. 6-2(a)(2).

9. By stipulation pursuant to Civil L.R. 6-1(a), the parties have previously stipulated to extending the time for Defendants to answer or otherwise respond to the Complaint initially from April 15, 2010 to May 10, 2010 (Docket No. 8) and subsequently from May 10, 2010 to May 28, 2010 (Docket No. 11).

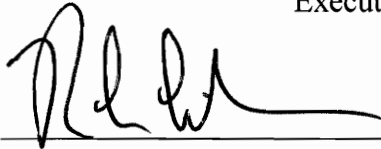
Effect Of Requested Time Modification On The Schedule For The Case

Pursuant to Civil L.R. 6-2(a)(3).

10. The requested time modification sought by this stipulation and declaration will continue the initial case management conference and enlarge the time for completion and filing of the Rule 26(f) Report and Case Management Statement and the exchange of initial disclosures by approximately ten weeks while the parties continue to engage in negotiations. This continuance and enlargement of time will not effect participation of the parties in court sponsored ADR efforts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 17th day of May 2010, in Oakland, California.



Ross L. Libenson

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~~[Proposed]~~ ORDER

Based on the foregoing Stipulation of counsel and supporting declaration and good cause appearing therefor,

IT IS HEREBY ORDERED that Case Schedule is modified as follows:

8/13/10 Last Day to Meet and Confer re: Initial Disclosures (FRCivP 26(f));

8/27/10 Last Day To File Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re: Contents of Joint Case Management Statement (FRCivP 26(a)(1), Civil L.R. 16-10); and

9/3/10 Initial Case Management Conference (Civil L.R. 16-10)

IT IS SO ORDERED.

Dated: 6/2/10

